

CITY OF TAKOMA PARK, MARYLAND
(Adopted 3/28/05)

**CLOSED SESSION, PRESENTATION, SPECIAL SESSION & WORKSESSION
OF THE CITY COUNCIL**

Monday, July 19, 2004

OFFICIALS PRESENT:

Mayor Porter	City Clerk/Treasurer Waters
Councilmember Barry	City Attorney Silber
Councilmember Elrich	City Manager Matthews
Councilmember Seamens	
Councilmember Williams	

OFFICIALS ABSENT:

Councilmember Austin-Lane
Councilmember Mizeur

The Council convened at 6:36 p.m. in the Council Chambers of the Municipal Building, 7500 Maple Avenue, Takoma Park, Maryland, to establish a quorum and vote to convene in a proposed Closed Session to discuss a personnel matter, receive legal advice, and discuss pending litigation (Annotated Code of Maryland, State Government Article, Section 10-508(a)(1)(ii); 10-508(a)(7); and 10-508(a)(8)).

Moved by Barry, seconded by Elrich.

Mr. Seamens expressed concern about not receiving information on any of the Closed Session subject items. The Open Meetings Act requires more than just boilerplate language.

City Attorney Silber explained that the personnel matter has to do with Rick Finn's contract. The legal item has to do with Arendondo's case against the City. On both issues, there will be public actions taken that will provide information to the public. She said she will take Mr. Seamens concerns under advisement.

The Council convened in Closed Session at 6:42 p.m. and later reconvened in open session at 7:49 p.m.

Closed Session 7/19/04 - Moved by Barry; seconded by Elrich. The Council voted unanimously to convene in Closed Session at 6:42 p.m. in the Conference Room of the Municipal Building. OFFICIALS PRESENT: Porter, Barry, Elrich, Seamens, Williams. (1) The Council discussed a personnel matter—the terms of former City Manager Rick Finn's "Agreement and General Release" (entered into between City Manager Richard Finn and the City of Takoma Park). The Council decided on revisions to the Agreement. (2) The Council obtained legal advice and

discussed pending litigation (Arredondo vs. City of Takoma Park). The Council continued the discussion to a later meeting; no action was taken. (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(1)(ii); 10-508(a)(7); and 10-508(a)(8)).

OFFICIALS PRESENT:

Mayor Porter

Councilmember Austin-Lane

Councilmember Barry

Councilmember Elrich

Councilmember Seamens

Councilmember Williams

City Manager Matthews

City Clerk / Treasurer Waters

Recreation Director Haiduven

Project Manager George

Public Works Director Lott

Gardener Welsh

OFFICIALS ABSENT:

Councilmember Mizeur

PUBLIC COMMENTS

Seth Grimes, Willow Avenue, commented that he was present at last week's Council meeting when a resolution expressing appreciation to former City Manager Rick Finn was adopted. He said he did not speak his criticisms of Mr. Finn at that time. He remarked about the terms of Mr. Finn's departure that have been made public. Mr. Grimes commented on his belief that the City Charter disallows the City Council from personnel actions regarding subordinates of the City Manager and that the Council may have acted contrary to the City Charter last September when they entered into a contract with Mr. Finn. Mr. Grimes asked if the Council is discussing the legitimacy of the September actions.

Ms. Porter replied that Council is not.

Ms. Austin-Lane said she believes that the Council did have this discussion.

Ms. Porter commented that she and Ms. Austin-Lane have different interpretations.

PRESENTATION

1. Update on the Community Center Construction Project.

Mr. Williams provided a financial update. The revenues remain the same. He hopes to get an update on the current expenditures. Authorized expenditures are unchanged. The balance available for additional items is \$766,861. He noted the list of unsettled potential change orders. The items may go away or stay. The amounts will change. He remarked about the electrical changes. These items are provided to give some context to the discussion as we look at the item tonight regarding the design to this level. He referred to the additional potential additional expenditures that are listed without dollar figures. He might be able to pencil-in some of the

estimates in the course of tonight's presentation. He explained that the expenditures related to stormwater work exceed the revenues for stormwater by about \$350,000. The bottom line is that we could be looking at a shortfall of \$1 million. At this point, the only thing that has been put forward to off-set this amount would be the \$400,000 loan against the stormwater budget.

Ms. Austin-Lane asked for details about the sale of the Piney Branch properties.

Mr. Williams said the number used was adopted in the FY05 Budget. He is not certain whether the amount is based on an appraisal of the properties.

Mr. Williams asked Mr. Abell to provide more details about one of the proposed change orders.

Mr. Abell replied that it relates to delays in construction. A third party is evaluating this particular item (e.g., soil composition, contractor schedule, additional time, requirements to finish the job, things related to unforeseen conditions, etc.). We hope to have something in next week from the scheduling consultant. After receipt, it may take a month of negotiation.

Mr. Williams said we may have more information when come back from recess.

Mr. Barry asked who will be on our team negotiating the project delay claims?

Venita George stated that we are working with the City Attorney, and we have hired a construction attorney. With them, staff and Abell & Associates, we will sit down and negotiate. There are other issues that are being discussed and will be negotiated with the general contractor. I talked to the construction attorney today and hope to get more information in the next week.

Mr. Seamens asked if Charron Consulting is still involved?

Ms. George responded that they are. The construction attorney was a recommendation from Charron.

Mr. Seamens thanked Mr. Williams for the report. It is good to see the estimates on the unsettled PCO's. Mr. Seamens said he is concerned when he looks at this. He recalls discussions about contingencies and the appropriate size of a contingency. In looking at the CO's, it seems like a very high percentage of the contract cost. He continues to be concerned but is encouraged that the new City Manager will put a lot of attention to this project. It is out of control and he looks forward to more control from this point.

Ms. Austin-Lane said she wanted to ensure that the Sam Abbott name will be put back on the building. She also commented that she wants to be sure to advertise when decisions are going to be made about signage on the building or grounds.

SPECIAL SESSION

2. 1st Reading Ordinance re: Arts & Humanities Commission.

Ms. Porter explained that the ordinance would expand the size of the Arts and Humanities Commission to no more than 17 members.

Mr. Seamens asked if there was anyone present to represent the commission's view on the proposal. (No representatives of the commission were present.) He noted that the intent of the expansion is to accommodate applicants for the commission for whom there are no spaces available. He commented that the Council might need to consider which applicants would be best for service on the commission.

Ms. Austin-Lane suggested we hold off on this action until staff is here and can report on discussions with the commission.

Ms. Matthews said the outstanding issue from last week's meeting was notifying the chair to inquire whether any members were planning to resign. Ms. Daines made the contact and learned that no members were planning to leave. Another issue raised was to expand the commission to an odd number (17), rather than expanding it by one (to 16).

Mr. Williams said he would like to hear from the commission generally about their activities and accomplishments.

Mr. Barry said he is comfortable with the ordinance as written based on last week's discussion and the City Manager's comments.

After discussion, there was consensus to postpone the matter until a future date when representatives of the commission could be present to comment.

WORKSESSION

3. Community Level Design.

Ms. George stated that the purpose of the discussion is to brief Council on the architect's plans for the design of the community level of the community center. After the discussion, she will ask Council's direction to move forward to start the bid process.

Mr. Williams noted the designs are posted on the City web page.

Doug Norway and Larry Abell (Larry Abell & Associates) were present for the discussion. Doug Norway described the plans. Mr. Norway indicated he tried to accommodate as much community space as possible, leaving the holding cells on this level. The plans show areas to be demolished. He described the reception desk, the game room, recreation office space, teen/senior hangout area, dance studio / multi-purpose room.

In response to Council questions, Ms. Haiduven explained that she believes younger teens will use the game room and older teens will use the hangout room.

Ms. Austin-Lane asked a question about the demolishing the stairwell.

Mr. Norway said this is linked to the change of the layout of the upper level administration offices. He noted the spaces that will be above the existing stairwell. The main public stairwell will be in the front of the building (lobby).

Ms. Austin-Lane asked about the theater.

Mr. Norway said the existing Council desk on the stage will be removed.

Ms. Austin-Lane asked if the existing Council Conference room, restroom and existing steps could be reconfigured for the theater space?

Mr. Norway described what was in the original master plan for the theater space in the chambers.

Ms. Haiduven observed that there are things about the design that work well from management point of view. A lot of the rooms have glass windows that face the hallway which makes supervision easier. It adds to visibility but adds a sense of privacy in some areas. We have been able to add some additional square footage which enhances community use space. She is happy with this arrangement. In some ways, it is better than the original design. She thinks it has a nice flow.

Mr. Seamens said, with respect to security and the monitoring of activities taking place among individuals, I want to minimize the isolated areas such as the stairwell.

Mr. Norway said as we continue to develop the plan, we will be looking at security and monitoring.

Mr. Seamens noted, from construction perspective, the removal of the Council desk from the stage is the only planned change at this point. Council should start to think about how to provide the performance space that the public is expecting when the building is open. It might take some work of volunteers in the community.

Larry Abell said the design work has been done. It is a construction cost. We have a brief description of the things that would have to take place in order for the theater to work. In the original design there was some discussion about changing the HVAC to reduce noise.

Ms. Porter said she recalls very early on that there was a \$200,000 cost attached to the work.

Mr. Abell said since you saw those numbers there has been about a 15-20% increase in construction costs. He said he would get back to the Council with the information.

Mr. Seamens said it would be helpful for the community to see a list of what needs to be done along with a list of cost estimates. People will be disappointed if they continue to see it the way it is now.

Mr. Williams requested clarification on what happens with the safe.

Mr. Norway said it would remain as a storage room for the game room. The Recreation Department would like for it to remain with its existing gate/vault doors.

Ms. Haiduven said she did not see any reason to spend money to change it.

Mr. Williams noted that in order for any changes to take place in the Council Chambers, Council will have to be ready to move to the new multi-purpose space.

Ms. Porter said that relies more on being able to wire the new room for cameras. She does not think this element has been funded at this point. Ms. Porter said she agrees with leaving as many existing structures as possible, but questions whether leaving the bathroom in the teen room will impair the use of the room. Will it cause problems with creating a little nook where kids can do things that would not be supervised.

Ms. Haiduven said that staff will have to monitor it. This room was originally designed to be a tot space which would have made the bathroom very important. They might set up a key check-out system. They will not leave the room unattended.

Ms. Porter commented on use of the existing ECD office space.

Ms. Haiduven said we are thinking about incorporating some sit-down reception area within the office space.

Council asked additional questions about security.

Ms. George said they will be looking to Recreation Department staff to monitor the cameras on this level.

Dave Lorentz, resident, said he and Juanita Kus have been involved in the citizen committees since the beginning of this discussion. He said that he had been appointed to represent the arts community and that he had taken this performing arts space to be his focus. In terms of the theater being prepared for use by the community, there are a great deal of things that are not funded and hopes that they will be in the future. Some fund raising is taking place. Some is identified for theatrical lighting. He said that he has been asked to talk with Kinetic Artistry to spec the lights for this room. Mr. Williams was then going to take care of the financial negotiations with Kinetic Artistry. It is anticipated that this will take place in the later part of the summer. Presumably a fair amount of the funds for this space will come through efforts of the Takoma Foundation. He commented on some of the other needed spaces in the design to make

the stage/production area work.

Andy Kelemen, Philadelphia Avenue, asked if there will there be a briefing about zoning for HVAC? That gets to be an operational and cost-saving issue—if the building is properly zoned.

Mr. Norway said this is being taken into consideration.

Ms. Porter said the Council had intended that the upstairs would be a different zone than the main level, turned off/on based on staff office hours.

Ms. George said she had a meeting scheduled with Daryl Braithwaite, Albert Nunez and the architects to discuss this topic.

There was Council consensus to move forward with the bid process.

BREAK

Council recessed for a scheduled break at 9:26 p.m. and reconvened at 9:43 p.m.

4. Proposal Regarding City Gardens and Landscaped Areas.

Public Works Director Lott and City Gardner Welsh were present for the discussion.

Ms. Austin-Lane referred to the agenda item materials. She affirmed the information as presented. She would like to hear the staff presentation and would like the Mayor to recognize some members of the audience who have come to speak.

Mr. Lott reported that the City has approximately 54 areas, both large and small, with gardens or some type of landscaped area that we maintain. Over the past few years we have taken on some new areas without additional monies. The question has to do with the desired level of service for city's gardening.

Mr. Welsh said we are maintaining the gardens. He noted that some of the gardens are a result of state funded projects. We have also seen increase in citizen interest and involvement in garden work. It is wonderful. He commented on the work in Forest Park.

Mr. Lott said the Gardens Division does more than just garden maintenance. They are responsible for snow removal from sidewalks and work during leaf season for mulch grinding. To keep Mr. Welsh's operation functioning, we make adjustments during the year as needed. We like to see projects come along, because it gives opportunity to keep temporary labor on staff because they can be put to use in other areas. The concern is the expected level of maintenance.

Mr. Elrich said he was a bit concerned because this is before us after adoption of the FY05 budget. He said he does not understand why the Council is being asked to make this change to

the budget (approx. \$40,000).

Mr. Welsh said some of it has to do with state projects which did not have completion dates during the time of the budget process. Now we have a better sense of the garden maintenance that will be required in the fiscal year.

Mr. Elrich asked if the work will not be done until next Spring, wouldn't it be better to have this discussion as part of next year's budget process?

Mr. Welsh noted some of the maintenance work that was begun last year and planned for this year.

Mr. Lott said one could probably make a case in more than one division in the department where we need more money, and this is one of those areas. However, we have been asked to hold budget and to make adjustments within the department's budget to afford various activities.

Mr. Seamens said he recalls Mr. Lott saying during the budget process that had prepared a budget based on parameters given, not necessarily on the actual needs/desires for services. He applauded the work of Mr. Welsh in the gardening work. He was glad to better understand the magnitude of this issue because he has heard from residents. This list will continue to grow because the gardens are important. Coming up with additional money at this time may be the challenge. He was glad to hear from Mr. Lott that they make adjustments in the departmental budget during the year as conditions change. He would like to hear the proposal about how to supplement the gardeners budget.

Mr. Barry said it sounds like a case of "gardens creep," but that is a good thing. They are a thing that people enjoy. They are rolled into the discussions about maintaining streets and the urban forest. People are looking forward to the park at Holton Lane. There may be some additional funds after the sale of the Piney Branch Road properties. This is an important item.

Ms. Austin-Lane said Mr. Elrich raises an important point about budget discussions. It would be useful in the future to have this type of information in the process. Referring to the list – six are things that have already been put in place and are not funded. These are projects that have already taken place and we need to make sure that they are maintained. She said she has talked to OTBA and they stressed that the Laurel Avenue streetscape project will have to be maintained. The tool library has been mentioned. She commented on the Philadelphia Avenue fence. It is very nice, but when it went in, she believes that there was discussion about landscaping in that area. She received a statement from Susan Harris, President of Horticulture Club, that she will enter into the record. The Met Branch Trail is on the list. The item with Pin Oaks on Maple Avenue is an item she has heard about from residents for quite some time. In the future, the boundary stone on Maple Avenue is something of community interest. We are actually turning away volunteer efforts and contributions, because we are not budgeting for the ongoing maintenance. She appreciates the Council's support for funding this effort.

Mr. Williams said he has always appreciated the work on the gardens. He noted that Spring Park is not on the list. No Ward 3 parks were included in the figure described on the cover page for the item. He has talked with some residents in Ward 3 who would like to take over maintenance of some areas. He supports garden work, but agrees with Mr. Elrich about bringing this up as part of the budget process. He would rather bring it back up later in the year and discuss it in context of undesignated reserves. He is very interested in addressing Spring Park as an item for funding later in the year. He noted other funding concerns.

Ms. Porter added to the thanks extended to Mr. Welsh for his work in the gardens. She noted his work with the community to enhance Spring Park. She supports the comments that the city's gardens are one of the signature issues and things that people care about.

Mr. Welsh said they will be planting now through the Fall.

Ms. Porter suggested that before we will begin next year's gardening schedule, the Council will be looking at the unappropriated reserve. We can then make a decision about FY05 reserve or whether to look at this in the context of the FY06 budget and a more long-term funding solution.

Mr. Elrich said he has no problem with making changes mid-year. We need to know what we are accumulating. The community center is going to cost us. Some of the equipment and gazebo in one of his parks was lost because of a shortage in funds, and he did not come back to the Council to ask for the \$16,000.

Ms. Austin-Lane said she wanted to hear public comments and then have the Council come back to the issue of how to fund these items. The understanding was that over the next six months we would be going back to the departmental presentations about potential service reductions and to go back and look at county services/rebates.

Ms. Porter said, if I were a person supporting this, I would be more comfortable with the proposal to fund it out of unappropriated reserves. Usually, we consider financial status on a quarterly basis. There is an understanding that parks are being maintained to some level now.

Mr. Lott said, if we were to maintain the parks with detailed attention two to three times a year, then it would cost as listed in the agenda item cover sheet. The Garden Division is getting to parks at least once a year and when things arise that need attention.

Mr. Welsh said a lot of the projects coming in this spring are high visibility.

Mr. Seamens recalled Mr. Lott's comment during the budget process, that if he were to have additional funds, this would not be the first place he would fund in department.

Mr. Lott said his past experience shows that the building repair budget will expire in December. He will have to juggle funds across divisions. The Right-Of-Way Division has a need for an additional \$5,000-8,000 (mowing grass, sign replacement/installation, pothole fills, debris

removal). The mulch delivery drains manpower on Fridays. We have to get the pile out of the way to prepare for leaf season.

Mr. Elrich asked, in looking at the list, which are the one-time costs versus the on-going costs?

Mr. Welsh said, it involves supplemental plantings, mulch and labor.

Mr. Lott said, at one point, Mr. Welsh had \$25,000 in the planting materials budget. It was reduced to \$12,500 as part of the budget process. I take responsibility for reducing the plant materials budget.

Mr. Elrich said, when looking at county services, the county does garden maintenance. He assumes that this is on the list of duplicate services.

Ms. Austin-Lane said a lot of these things are streetscaping along city streets, and there are city parks.

Mr. Welsh said, we have done some very innovative things to keep the gardens maintained.

Ms. Porter said the City has been frugal on this as we have been on many items over the past few years.

Mr. Elrich said it might be interesting to hear from staff on things that were cut to balance budgets. I am not adverse to hearing different opinions from staff.

Milan Pavich, Carroll Avenue, said there were significant efforts to improve yard work along Carroll Avenue. He said he was very pleased with the streetscape plans and looks forward to the area becoming a showcase. He has had discussions with neighbors about what volunteer contributions might be and he looks forward to working with staff in this effort. He would support additional funding if available later in the work. Maybe there could be an effort to hold workshops and involve community groups and volunteers. He suggested outreach to solicit donations from private nurseries in exchange for some type of advertising.

Ms. Porter said she knows that they have gotten donations of various materials. It is a good idea.

Sabrina Baron, President, Historic Takoma, said she supports the funding of garden maintenance. She referred to a letter complimenting Mr. Welsh's work in the gardens. The City has a long-standing interest in horticulture. She remarked about azaleas in the city and said she would like to see this tradition supported and continued. She would like to see landscaping around the Philadelphia fence. She looks forward to working with Mr. Welsh on the Thomas-Siegler garden and property. Beautification is important. She encouraged the Council to support this.

Jim Douglas, said with respect to policy issues, he thinks it is critical that they begin to treat outdoor areas as well as indoor buildings. He commented on the importance of landscape maintenance. We need to think about the external environment in the same way as the CIP. He is disturbed to see a lot of talk on the list about non-native shrubs and perennials. He encouraged the use of native varieties. We should work with the state and county and place a strong emphasis on natives and non-invasives. On behalf of the neighborhood association, with respect to the pin oaks/power lines discussion, PEPCO has offered to remove the existing 25-27 pin oaks at their cost, if the City would install a more appropriate species (small trees and shrubs). The Arborist told us that there would be about 50 trees that would go in the area and I only see 37 on this list. When discussed as a neighborhood, there was an almost unanimous sense that this is a probably a good idea. We need to proceed carefully with the community on this and not just presume that we can go in one day and cut down the trees. People will not be willing to get engaged in this discussion unless they feel that the Council is committed to replacing the trees. We need to go through a planning process that engages everyone on different aspects of this project. He thinks that the \$10,000 for this is different than the other items on the list. If the City is going to do the Maple Avenue project, it will require taking advantage of the PEPCO deal. He asked the Council to make a commitment to move forward with this project. As a matter of equity, we need to look at what other areas and wards may need. We need a more rational approach to tree management. The question came up about what type of strategy we have for replacing right-of-way trees and for assisting private residents in their maintenance of the urban forest.

Ms. Porter asked about the timing on PEPCO's interest in funding the removal of those trees?

Mr. Lott said he will speak to the City Arborist and provide more information to Council.

Ms. Austin-Lane said she wants to make sure that the city will post the removal of trees on public property.

Mr. Lott said he will make sure that happens.

Catherine Tunis, said the specific proposals presented were not discussed by the Committee on the Environment. She understands the comments made about incorporating these types of discussions in the budget process. She looks forward to the leadership of the new City Manager and a focus on strategic planning. She agrees with proposals. We need proper maintenance. She is uncomfortable with removal of the pin oaks. However, they are the wrong trees for their location. She is not sure how they got there, but if they could be replaced with something more appropriate she would support. She agrees with the comments about the need for a commitment to fund replacement trees and the idea of a public process. She urged the City to install or do some amendments that would allow some parks to function as rain gardens. She would like to see a demonstration rain garden and would suggest the paper street portion of Glengary Place. They could install a terraced garden. In the Climate Change Action Plan there was an initiative to plant Willow Oaks along New Hampshire Avenue. If they can get some funding from SHA, she would encourage this project.

Ms. Porter said she appreciates the suggestions. She renewed her proposal on the table that the Council consider these items as part of an unappropriated reserve discussion. We might need to move up the pin oak replacements.

Mr. Lott said he could use tree replacement fund monies and then look to the Council to replenish those funds from the unappropriated reserve.

Ms. Porter suggested that the discussion of the unappropriated reserve take place in January.

Mr. Seamens said he appreciates how staff has managed and addressed the criteria/parameters as laid out by the former City Manager. It would be helpful if Ms. Matthews could start to look at the budget now with an eye toward other areas that should be addressed in the budget. He looks forward to longer range planning for the budget.

Ms. Matthews said she would be happy to do that.

Mr. Elrich said he has no problems looking at mid-year funding. He said he would support finding the \$10,000 for the pin oaks.

Ms. Austin-Lane said she would like to request that we bring back this particular item (list as presented) for funding from unappropriated reserves in October at the quarterly financial review.

Ms. Austin-Lane said she has talked to the City Arborist about ward-wide tree issues. He has assessed Maple Avenue as the most critical strip. There are a few other spots in other areas. This has had the Arborist's review. She would appreciate the Council's approval of going forward with Mr. Lott's suggestion that he allocate money from the current tree replacement budget when PEPCO is ready to go with the removals. The Council could later discuss replenishing his tree replacement budget later in the year. If Council can give direction tonight, she, the Arborist, and Maple Avenue residents can go forward with the discussion.

Ms. Porter said she didn't think that this is that controversial of an issue so if the Council wants to make a decision tonight, she would be agreeable. But she is more comfortable giving notice of a Council decision so that everyone on all sides of the issue can comment.

Ms. Austin-Lane said she thinks there is a risk in waiting on this issue. She hears from the rest of the Council that it will take up the rest of the list in January.

Ms. Porter restated her process position of wanting to advertise discussions.

Mr. Williams said he would like to hear from Arborist about the impact on the tree replacement schedule.

After further discussion, the majority of Council agreed to schedule the item for discussion in early September.

Ms. Austin-Lane made a request to discuss the remaining on the list at the first quarterly update.

Mr. Seamens said he would support that request.

Mr. Elrich said, we do not know if will have enough information about the cash flow at the end of first quarter.

Ms. Austin-Lane asked, have you brought something forward other than these gardens?

Mr. Elrich said Mr. Williams started the night with a presentation on the community center and funding issues.

Mr. Williams added that there were other items identified for consideration from the undesignated reserves that were raised in the budget process.

The majority of Council (Elrich, Williams, Barry, Porter) agreed to wait six months to bring back the discussion of the remaining items on the list.

5. Council Rules and Procedures

Ms. Porter gave a summary of the discussion on the subject to this point.

Mr. Seamens commented: (Item 1) Propose as mentioned by Ms. Mizeur that when we have a Closed Session, we start at 6:30 prior to the 7:30 start time. Council will be more alert and better able to participate. Also, we suggest a fixed cut-off time of 11:00 p.m. and do better management of session times to better adhere to the rule. We would require a motion/second for the meeting to go beyond that time. (Item 2) We would add the discussion of specific direction to City Manager and identification of future agenda items. (Item 7) We would like to offer that residents can cede time to other members of the community who want to speak. Some people are hesitant to speak. Person could only cede time if present for the discussion.

Ms. Porter noted a past observation of an abuse of ceding time (i.e., people in audience with no intention of speaking who ceded time to a speaker).

Mr. Seamens - (Item 9) We need to work on language about hardcopy minutes. Expand available media to include other forms (e.g., DVD).

Ms. Porter said, from the perspective of agenda planning, if we limit the number of things we do at a meeting, we will get fewer things done. If we artificially shorten meetings, we will either have to further limit public/council comments or get fewer things done.

Mr. Elrich said he is opposed to limits on meetings. He is not interested in setting cut-off times. He has no problem with the suggestions about Items 2 and 9. He understands the suggestion about ceding time. He would modify that to say that a person could not accept time from any

more than 4 persons and that a person cannot speak for more than 15 minutes, and no repeats for the speaker or those who ceded time.

Mr. Williams said he could begin to consider something like that with respect to ceding time. Generally, he does not like ceding time. He said he was reluctant to speak in public for many years, but grew into it. He agrees with Mr. Seamens' proposal on Item #1. He does not think it puts limits that cannot be exceeded (would require agreement to go past 11:00 p.m.).

Ms. Austin-Lane said she agrees with Mr. Williams and Mr. Seamens about changes to Item #1. Also, she likes the idea of Closed Sessions beginning at 6:30 p.m. She agrees with suggestions about Item #2 - Council comments on announcements, comments from residents, etc. Item #7 - she likes Elrich's proposal. The goal is for the guidelines to be simple and easy to understand. Item #9 - she has no problem with the recommendations.

Mr. Barry said, 9-10 minutes of ceded time is appropriate. He does not like the idea of the 11:00 p.m. cut-off. We will be voting every week to extend the adjourn time. Agendas are complicated. We need to better police our own comments.

Ms. Porter said she has a sense of Council's thoughts. Closed Session time - not sure that requires a change in the rules, we could work with general understanding (CONSENSUS). Cut-off time - agrees with Mr. Barry that this will mean that some items of business will not get done (3-3 split vote). Council announcements - the idea was that the Council announcements were not to be times for Councilmembers to misuse time; it came from a past resolution. (Ms. Austin-Lane - Council announcements are permitted at the beginning of each meeting. All other Council comments...) (CONSENSUS). Ceding time - asking people to be brief in their comments is much in consideration for people waiting in line behind them as it is for the Council. The way we originally resolved the matter was to give everyone 3 minutes and then give them a second opportunity. It only applies at times when there are a lot of people in line to speak.

Mr. Seamens said the intention is that the people who cede their time need to be present. He would be willing to compromise to a limit of 9 minutes, and the speaker should then have the opportunity to come back for an additional 3 minutes.

Mr. Elrich added that the speaker would have to identify who has ceded time.

Mr. Seamens suggested that those who cede do not have opportunity for a 3 minute rebuttal.

Mr. Elrich said that individuals who sign up should indicate if they are ceding time to the speaker.

Ms. Porter said she does not have a problem of keeping written minutes and appropriate media on file for 5 years. Changes that were discussed will be made. We will take this up again next week.

ADJOURN

Council adjourned for the evening at 11:43 p.m.